CR-1968-196
Search Warrants, etc.

CR-1968-196
Stefano Magaddino, et al
Search Warrants, etc

1000-408 000
1-9-69
617

REFERENCE REQUEST-FEDERAL RECORDS CENTERS | **NOTE: Use a separate form for each request**

Counter#: 279 **SECTION 1 - TO BE COMPLETED BY REQUESTING AGENCY**

ACCESSION NO.	AGENCY BOX NUMBER	RECORDS CENTER LOCATION NUMBER
000-80A0001	73 & 74	B17-11-02-6

DESCRIPTION OF RECORD(S) OR INFORMATION REQUESTED

☐ **BOX**

☐ **FOLDER (include file number and title)** CR-1968-196

REMARKS

USA vs. Stefano Magaddino

Please pull request and Fed-X to NRAN

NATURE OF SERVICE

☐ FURNISH COPY OF RECORD(S) ☐ PERMANENT WITHDRAWAL ☐ TEMPORARY LOAN OF RECORDS ☐ REVIEW ☐ OTHER (Specify)

SECTION II -- FOR USE BY RECORDS CENTER

☐ RECORDS NOT IN CENTER CUSTODY ☐ RECORDS DESTROYED

☐ WRONG ACCESSION NUMBER - PLEASE RECHECK

☐ WRONG BOX NUMBER - PLEASE RECHECK

☐ WRONG CENTER LOCATION - PLEASE RECHECK

☐ ADDITIONAL INFORMATION REQUIRED TO IDENTIFY RECORDS REQUESTED

☐ MISSING (Neither record(s), information nor charge card found in container(s) specified)

☐ RECORDS PREVIOUSLY CHARGED OUT TO (Name, agency and date):

REMARKS

ARC-CC-NR; Bonnie Marie Sauer 212.401.1622.

DATE	SERVICE	TIME REQUIRED	SEARCHER'S INITIALS
3/27/9	DR		

Faxed by NRAN to Lee's Summit (816) 268-8160

SECTION III - TO BE COMPLETED BY REQUESTING AGENCY

NAME OF REQUESTER	TELEPHONE #	EXT #	DATE
Mike Rizzo	**(716) 578-4939**		**3/16/2009**

RECEIPT OF RECORDS

Requester please sign, date and return this form, for file item(s) listed above, ONLY if the block to right has been checked by the Records Center ☐

SIGNATURE	DATE

NAME AND ADDRESS OF AGENCY

National Archives - Northeast Region
201 Varick Street, 12th floor
New York NY 10014-4811
212-401-1620

OPTIONAL FORM 11

NSN 7540-00-682-6423

cr-1968-196

93 (Revised June 1964)

Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

Premises at 5124 Dana Drive, Lewiston, New York, being the residence of Charles A. Montana, said dwelling being a one-story brick one-family residence with attached garage.

Commissioner's Docket No. 68

Case No. 131

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation:

Affidavit having been made before me by Joseph E. Griffin, Jr.

that he { has reason to believe / ~~is positive~~[1] } that { ~~on the person of~~ / on the premises known as }

Premises at 5124 Dana Drive, Lewiston, New York, being the residence of Charles A. Montana, said dwelling being a one-story brick one-family residence with attached garage,

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, proceeds, instrumentalities, gambling paraphernalia and evidence of gambling violations,

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 29 day of November, 19 68.

#21.

Edw A Maloney

U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 29, 1968, and have executed it as follows:

On November 29, 1968 at 3:18 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Charles A. Montana
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

.38 Colt Special Cobra SN 27898 ✓
Shoe Box with shotgun shells
Shoe Box with shotgun shells and ammunition in boxes
Brown address book
Torn pieces of paper
3 reels of film
1 tan secretary wallet
1 address book

This inventory was made in the presence of Mrs. Alexander Basta, Elmer F. Moulin Jr., Edward J. Thill and Glen Hunter, Garett Panton, Special Agents FBI

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

R. Gordon Eddy
Special Agent, FBI, Buffalo, N.Y.

Subscribed and sworn to and returned before me this 4th day of December, 19 68.

U.S. Commissioner.

Elmer F. Moulin
Edward J. Thill
Glen Hunter
Garett Panton, Special Agents, FBI, Buffalo

FILED
DEC 5 1968
AT ___ O'C
Roland E. Logel, Clerk
___ M.

A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 131

UNITED STATES OF AMERICA

VS.

Premises at 5124 Dana Drive, Lewiston, New York, being the residence of Charles A. Montana, said dwelling being a one-story brick one-family residence with attached garage.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, N.Y. (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) (~~is positive~~) that (~~on the person of~~) (on the premises known as)

Premises at 5124 Dana Drive, Lewiston, New York, being the residence of Charles A. Montana, said dwelling being a one-story brick one-family residence with attached garage,

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, proceeds, instrumentalities, gambling paraphernalia and evidence of gambling violations,

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., Raymond C. Kruger, James Moody, and John E. Belkota.

Joseph E. Griffin

Joseph E. Griffin, Jr. *Signature of Affiant.*

Special Agent, F.B.I. *Official Title, if any.*

Sworn to before me, and subscribed in my presence, November 29, 1968.

Edmund F. Maxwell

United States Commissioner.

Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41(c))

AFFIDAVIT

I, JOSEPH E. GRIFFIN, JR., having been duly sworn, depose and say:

For the purposes of this affidavit, I repeat, re-allege and re-swear to each and every part of my prior affidavit dated November 26, 1968, which is attached hereto and made a part hereof.

Attached hereto and made a part hereof as grounds for the issuance of the search warrants here requested, are the affidavits of Special Agent Raymond Kruger, Detective James Moody, and Lieutenant John E. Belkota. I respectfully call to the attention of the Honorable Commissioner that the affidavits of Special Agent Raymond Kruger, Detective James Moody, and Lieutenant John E. Belkota were sworn to before him on November 26, 1968.

On the basis of the information received from this reliable informant, searches were conducted of a number of homes and cars of participants in this conspiracy, as described by the informant. These searches uncovered from the home of Peter A. Magaddino approximately $500,000 in American currency. In virtually every residence or business establishment searched, pursuant to warrants issued on the basis of this informant information, gambling records,

paraphernalia, and proceeds were recovered and seized. In addition to these searches corroborating the informer's information, it should also be noted that the regular Tuesday meeting between Benjamin Nicoletti, Sr. and Peter A. Magaddino, as described in the informer's information, did in fact take place as described.

Since the original execution of these prior warrants on November 26, 1968, I have received additional information from this same reliable informant that gambling records, moneys, proceeds of the gambling operation, instrumentalities and paraphernalia of this conspiracy, as well as fruits and evidence of the commission of the crime of conspiracy in violation of United States laws, can be found in the following places:

The residence of Stefano Magaddino at 5118 Dana Drive, Lewiston, New York.

The residence of Vincent A. Scro at 5130 Dana Drive, Lewiston, New York.

The residence of Charles A. Montana at 5124 Dana Drive, Lewiston, New York.

The residence of James Vincent La Duca at 5114 Dana Drive, Lewiston, New York.

Based upon the above-mentioned informant information and the results of the searches referred to above,

I have reasonable grounds to believe and do believe that there are gambling records, moneys, proceeds, instrumentalities and gambling paraphernalia of this conspiracy as well as evidence of this conspiracy now being concealed at each of the premises listed above, which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

Joseph E. Griffin

JOSEPH E. GRIFFIN, JR.

Sworn to before me this
19th day of November, 1968.

Edmund F. Maxwell

EDMUND F. MAXWELL
United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York
Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November 1968

United States Commissioner

68-1968-196

Form A. O. 93 (Revised June 1964)

Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Premises at 5130 Dana Drive, Lewiston, New York, being the residence of Vincent A. Scro, said dwelling being a one-story brick one-family residence with attached garage.

Commissioner's Docket No. 68

Case No. 132

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation:

Affidavit having been made before me by Joseph E. Griffin, Jr.

that he { has reason to believe / ~~is positive~~[1] } that { ~~on the person of~~ / on the premises known as }

Premises at 5130 Dana Drive, Lewiston, New York, being the residence of Vincent A. Scro, said dwelling being a one-story brick one-family residence with attached garage,

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, proceeds, instrumentalities, gambling paraphernalia and evidence of gambling violations,

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 29th day of November, 1968.

#22

U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

On 11/29, 1968 at 3:29 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Vincent A. Scro
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

See attached

FILED
DEC 5 1968
AT ___ O'C ___ M.
Roland E. Logel, Clerk

This inventory was made in the presence of Sylvester Smith
and Vincent A. Scro.

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Thomas M. Shaughnessy

Subscribed and sworn to and returned before me this 4th day of December, 1968.

Edward Markey
U. S. Commissioner.

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date 11/29/68

The following items were taken pursuant to federal search warrant of premises of Vincent A. Scro, 5130 Dana Drive, Levittown, N.Y.

1. 1 cancelled check in amt $1,000, date 10/3/68 from Vincent A. Scro to James V. La Duca
2. 18 check size carbon paper.
3. 1 slip adding machine tape, first figure 750.72 and last figure 110,287.73.
4. 5 sheets of lined white paper containing names, addresses, and some figures.
5. 2 Spiral Note Books with writing and figures on notebook pages.
6. Bet slip # 5688 dated 9/29/68
7. Bet slip # 2015 dated 9/28/68.
8. Seven football pools numbers 1112, 1980, 499, 5833, 557, 5832, 558

FBI DEC 1968 RECEIVED

Thomas M. Shaughnessy

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 132

UNITED STATES OF AMERICA

VS.

Premises at 5130 Dana Drive, Lewiston, New York, being the residence of Vincent A. Scro, said dwelling being a one-story brick one-family residence with attached garage.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, N.Y. (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) (~~is positive~~)[1] that (~~on the person of~~) (on the premises known as)

Premises at 5130 Dana Drive, Lewiston, New York, being the residence of Vincent A. Scro, said dwelling being a one-story brick one-family residence with attached garage,

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, proceeds, instrumentalities, gambling paraphernalia and evidence of gambling violations, (here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371. (here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., Raymond C. Kruger, James Moody, and John E. Belkota.

Joseph E. Griffin, Jr. *Signature of Affiant.*
Special Agent, F.B.I. *Official Title, if any.*

Sworn to before me, and subscribed in my presence, November 29, 1968.

United States Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

AFFIDAVIT

I, JOSEPH E. GRIFFIN, JR., having been duly sworn, depose and say:

For the purposes of this affidavit, I repeat, re-allege and re-swear to each and every part of my prior affidavit dated November 26, 1968, which is attached hereto and made a part hereof.

Attached hereto and made a part hereof as grounds for the issuance of the search warrants here requested, are the affidavits of Special Agent Raymond Kruger, Detective James Moody, and Lieutenant John E. Belkota. I respectfully call to the attention of the Honorable Commissioner that the affidavits of Special Agent Raymond Kruger, Detective James Moody, and Lieutenant John E. Belkota were sworn to before him on November 26, 1968.

On the basis of the information received from this reliable informant, searches were conducted of a number of homes and cars of participants in this conspiracy, as described by the informant. These searches uncovered from the home of Peter A. Magaddino approximately $500,000 in American currency. In virtually every residence or business establishment searched, pursuant to warrants issued on the basis of this informant information, gambling records,

paraphernalia, and proceeds were recovered and seized. In addition to these searches corroborating the informer's information, it should also be noted that the regular Tuesday meeting between Benjamin Nicoletti, Sr. and Peter A. Magaddino, as described in the informer's information, did in fact take place as described.

Since the original execution of these prior warrants on November 26, 1968, I have received additional information from this same reliable informant that gambling records, moneys, proceeds of the gambling operation, instrumentalities and paraphernalia of this conspiracy, as well as fruits and evidence of the commission of the crime of conspiracy in violation of United States laws, can be found in the following places:

The residence of Stefano Magaddino at 5118 Dana Drive, Lewiston, New York.

The residence of Vincent A. Scro at 5130 Dana Drive, Lewiston, New York.

The residence of Charles A. Montana at 5124 Dana Drive, Lewiston, New York.

The residence of James Vincent La Duca at 5114 Dana Drive, Lewiston, New York.

Based upon the above-mentioned informant information and the results of the searches referred to above,

I have reasonable grounds to believe and do believe that there are gambling records, moneys, proceeds, instrumentalities and gambling paraphernalia of this conspiracy as well as evidence of this conspiracy now being concealed at each of the premises listed above, which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

Joseph E. Griffin

JOSEPH E. GRIFFIN, JR.

Sworn to before me this
24th day of November, 1968.

Edmund F. Maxwell

EDMUND F. MAXWELL
United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Raymond C Kruger
Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November, 1968

United States Commissioner

cr-1968-196

Form A-2 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

Premises at 5114 Dana Drive, Lewiston, New York, being the residence of James Vincent La Duca, said dwelling being a one-story brick one-family residence with attached garage.

Commissioner's Docket No. 68

Case No. 133

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation:

Affidavit having been made before me by Joseph E. Griffin, Jr.

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

Premises at 5114 Dana Drive, Lewiston, New York, being the residence of James Vincent La Duca, said dwelling being a one-story brick one-family residence with attached garage,

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, proceeds, instrumentalities, gambling paraphernalia and evidence of gambling violations,

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

#23

Dated this 29 day of November, 1968.

Edward A. Manley

U. S. Commissioner.

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[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant Nov. 29, 1968, and have executed it as follows:

On Nov. 29, 1968 at 3:12 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with James V. LaDuca, owner,
name of person searched or owner or "at the place of search"
together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

38 #92 Special "Bee" playing cards, containing 12, 8 and 7 packs of playing cards each.

Piece of white paper with names on both sides, about 8" x 11" in size

1 3"x5" white card with the name "VERSO 297-4871" on one side

1 3"x5" white card with the name "Sonny Costello" on one side

1 piece of torn newspaper with numbers 745-7735 and 745-7730 on it.

1 Maryland Midland Trust Co., Delaware-Tracy Branch, check book containing unused checks #627 through 799 and stubs for checks numbered 543 through 626

5 Decks of "Bee" Playing Cards

This inventory was made in the presence of James V. LaDuca and SA Gordon J. Lacey and myself.

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Francis B. Jenkins.

Subscribed and sworn to and returned before me this 4th day of December, 1968.

Edward A. Mc...

U. S. Commissioner.

FILED
DEC 5 1968
AT ___ O'C
Roland E. Logel, Clerk
___ M.

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 133

UNITED STATES OF AMERICA

VS.

Premises at 5114 Dana Drive, Lewiston, New York, being the residence of James Vincent La Duca, said dwelling being a one-story brick one-family residence with attached garage.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, N.Y. (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) (~~is positive~~) that (~~on the person of~~) (on the premises known as)

Premises at 5114 Dana Drive, Lewiston, New York, being the residence of James Vincent La Duca, said dwelling being a one-story brick one-family residence with attached garage,

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, proceeds, instrumentalities, gambling paraphernalia and evidence of gambling violations,

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., Raymond C. Kruger, James Moody, and John E. Belkota.

Joseph E. Griffin, Jr. *Signature of Affiant.*
Special Agent, F.B.I. *Official Title, if any.*

Sworn to before me, and subscribed in my presence, November 29th, 1968.

United States Commissioner.

[1] *The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)*

AFFIDAVIT

I, JOSEPH E. GRIFFIN, JR., having been duly sworn, depose and say:

For the purposes of this affidavit, I repeat, re-allege and re-swear to each and every part of my prior affidavit dated November 26, 1968, which is attached hereto and made a part hereof.

Attached hereto and made a part hereof as grounds for the issuance of the search warrants here requested, are the affidavits of Special Agent Raymond Kruger, Detective James Moody, and Lieutenant John E. Belkota. I respectfully call to the attention of the Honorable Commissioner that the affidavits of Special Agent Raymond Kruger, Detective James Moody, and Lieutenant John E. Belkota were sworn to before him on November 26, 1968.

On the basis of the information received from this reliable informant, searches were conducted of a number of homes and cars of participants in this conspiracy, as described by the informant. These searches uncovered from the home of Peter A. Magaddino approximately $500,000 in American currency. In virtually every residence or business establishment searched, pursuant to warrants issued on the basis of this informant information, gambling records,

AFFIDAVIT

I, JOSEPH E. GRIFFIN, JR., having been duly sworn, depose and say:

For the purposes of this affidavit, I repeat, re-allege and re-swear to each and every part of my prior affidavit dated November 26, 1968, which is attached hereto and made a part hereof.

Attached hereto and made a part hereof as grounds for the issuance of the search warrants here requested, are the affidavits of Special Agent Raymond Kruger, Detective James Moody, and Lieutenant John E. Belkota. I respectfully call to the attention of the Honorable Commissioner that the affidavits of Special Agent Raymond Kruger, Detective James Moody, and Lieutenant John E. Belkota were sworn to before him on November 26, 1968.

On the basis of the information received from this reliable informant, searches were conducted of a number of homes and cars of participants in this conspiracy, as described by the informant. These searches uncovered from the home of Peter A. Magaddino approximately $500,000 in American currency. In virtually every residence or business establishment searched, pursuant to warrants issued on the basis of this informant information, gambling records,

paraphernalia, and proceeds were recovered and seized. In addition to these searches corroborating the informer's information, it should also be noted that the regular Tuesday meeting between Benjamin Nicoletti, Sr. and Peter A. Magaddino, as described in the informer's information, did in fact take place as described.

Since the original execution of these prior warrants on November 26, 1968, I have received additional information from this same reliable informant that gambling records, moneys, proceeds of the gambling operation, instrumentalities and paraphernalia of this conspiracy, as well as fruits and evidence of the commission of the crime of conspiracy in violation of United States laws, can be found in the following places:

The residence of Stefano Magaddino at 5118 Dana Drive, Lewiston, New York.

The residence of Vincent A. Scro at 5130 Dana Drive, Lewiston, New York.

The residence of Charles A. Montana at 5124 Dana Drive, Lewiston, New York.

The residence of James Vincent La Duca at 5114 Dana Drive, Lewiston, New York.

Based upon the above-mentioned informant information and the results of the searches referred to above,

I have reasonable grounds to believe and do believe that there are gambling records, moneys, proceeds, instrumentalities and gambling paraphernalia of this conspiracy as well as evidence of this conspiracy now being concealed at each of the premises listed above, which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

Joseph E. Griffin

JOSEPH E. GRIFFIN, JR.

Sworn to before me this
19th day of November, 1968.

Edmund F. Maxwell

EDMUND F. MAXWELL
United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidental

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLISE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisorsof their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November 1968

United States Commissioner

dc-1968-196

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

Premises at 5118 Dana Drive, Lewiston, New York, being the residence of Stefano Magaddino, said dwelling being a one-story brick one-family residence with attached garage.

Commissioner's Docket No. 68

Case No. 130

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation:

Affidavit having been made before me by Joseph E. Griffin, Jr.

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

Premises at 5118 Dana Drive, Lewiston, New York, being the residence of Stefano Magaddino, said dwelling being a one-story brick one-family residence with attached garage,

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, proceeds, instrumentalities, gambling paraphernalia and evidence of gambling violations,

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } **above described and that the foregoing grounds for application for issuance of the search warrant exist.**

You are hereby commanded **to search forthwith the** { ~~person~~ / place } **named for the property specified, serving this warrant and making the search** { in the daytime / ~~at any time in the day or night~~[1] } **and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.**

Dated this 29 **day of** November, **1968.** #2

Edward A. Manz

U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 29, 1968, and have executed it as follows:

On November 29, 1968 at 2:53 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Mrs James LaDuca
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: (1) Smith & Wesson revolver serial number 24196. (2) One box 32 Calibre ammunition (3) one gun permit (4) One Manila folder containing tax returns (5) One M&T Bank envelope containing papers. (6) One black metal box containing papers. (7) One Marine Trust Co. check book (8) envelope containing two foreign letters. (9) memo pad with black leather folder (10) M&T Trust Co bank statements and cancelled checks. (11) Two slips of paper with Boyertown heading (12) Blue book of telephone numbers. (13) One magnetic tape recording

This inventory was made in the presence of /
Mrs James LaDuca and SA James P. McMahon

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Raymond B. Johnson

Subscribed and sworn to and returned before me this 2nd day of December, 1968.

Edward Maloney
U. S. Commissioner.

FILED
DEC 3 1968
AT O'C M.
Roland E. Logel, Clerk

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 130

UNITED STATES OF AMERICA

VS.

Premises at 5118 Dana Drive, Lewiston, New York, being the residence of Stefano Magaddino, said dwelling being a one-story brick one-family residence with attached garage.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, N.Y. (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) (is positive)[1] that (on the person of) (on the premises known as)

Premises at 5118 Dana Drive, Lewiston, New York, being the residence of Stefano Magaddino, said dwelling being a one-story brick one-family residence with attached garage,

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, proceeds, instrumentalities, gambling paraphernalia and evidence of gambling violations,

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., Raymond C. Kruger, James Moody, and John E. Belkota.

Joseph E. Griffin, Jr. *Signature of Affiant.*
Special Agent, F.B.I. *Official Title, if any.*

Sworn to before me, and subscribed in my presence, November 29th, 1968

United States Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

AFFIDAVIT

I, JOSEPH E. GRIFFIN, JR., having been duly sworn, depose and say:

For the purposes of this affidavit, I repeat, re-allege and re-swear to each and every part of my prior affidavit dated November 26, 1968, which is attached hereto and made a part hereof.

Attached hereto and made a part hereof as grounds for the issuance of the search warrants here requested, are the affidavits of Special Agent Raymond Kruger, Detective James Moody, and Lieutenant John E. Belkota. I respectfully call to the attention of the Honorable Commissioner that the affidavits of Special Agent Raymond Kruger, Detective James Moody, and Lieutenant John E. Belkota were sworn to before him on November 26, 1968.

On the basis of the information received from this reliable informant, searches were conducted of a number of homes and cars of participants in this conspiracy, as described by the informant. These searches uncovered from the home of Peter A. Magaddino approximately $500,000 in American currency. In virtually every residence or business establishment searched, pursuant to warrants issued on the basis of this informant information, gambling records,

15 CR-1968-196

Form A. [illegible] (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

A 1966 Cadillac automobile with current New York State Registration Number 8E 2952, being registered to Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Commissioner's Docket No. 68

Case No. 126

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~[1] } that { ~~on the person of~~ / on the premises known as }

A 1966 Cadillac automobile with current New York State Registration Number 8E 2952, being registered to Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

in the Western District of New York ,

there is now being concealed certain property, namely gambling records and paraphernalia and evidence of gambling violations
here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371
here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November , 19 68

#3.

Edward A. Manning ,
U. S. Commissioner.

[1] *The Federal Rules* of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that *the property is on the person* or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 26, , 1968, and have executed it as follows:

On November 26, , 1968 at 2:45 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant ~~with~~ IN 1966 CADILLAC N.Y. LIC. 8E2952
name of person searched or owner or "at the place of search"
together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

1. 1 miniature recording device with microphone and headset.
2. 1 memo book with written + mathematical data thereon.
3. 1 yellow cab envelope with data on face and containing various slips of paper and cards with data written thereon
4. 1 United States fuel folder containing various papers + list with writing and numbers on them.
5. 1 black box containing recording tapes.
6. 1 black pin striped suit.
7. 1 black daily notebook with notations in it.
8. Various slips of paper with written + mathematical data thereon.
9. Envelope, slips of paper + calling card with data thereon

This inventory was made in the presence of Francis M. Joyce, Special Agent FBI and Garrett J. Patton, Jr., ~~Special Agent~~, FBI

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Garrett J. Patton, Jr. SA, FBI

Subscribed and sworn to and returned before me this 29th day of November, 1968.

Edward A. Tamm
U. S. Commissioner.

FILED
DEC 3 1968
AT O'C. M.
Roland E. Logel, Clerk

15

No. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.....

Case No.....

UNITED STATES OF AMERICA

VS.

A 1966 Cadillac automobile with current New York State Registration Number 8E 2952, being registered to Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~[1] that ~~(on the person of)~~ (on the premises known as)

a 1966 Cadillac automobile with current New York State Registration Number 8E 2952, being registered to Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

in the Western District of New York,

there is now being concealed certain property, namely gambling records and paraphernalia and evidence of the gambling violation. (here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, 371 (here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows: The attached affidavits of Joseph E. Griffin, Jr., James Moody, John Belkota and Raymond C. Kruger.

Raymond C Kruger,
Signature of Affiant.

S. A. FBI,
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968,

Edmund F. Maxwell,
United States Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time."

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

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Cr-1968-196

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Premises at 455 Cayuga Street, Lewiston, New York, being that property listed at the Assessors Office for the Town of Lewiston, New York, as owned by Ben Nicoletti, and as a one-story wood frame dwelling with basement, with a recently constructed garage and gabled roof.

Commissioner's Docket No. 68

Case No. 114

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

Premises at 455 Cayuga Street, Lewiston, New York, being that property listed at the Assessors Office for the Town of Lewiston, New York, as owned by Ben Nicoletti, and as a one-story wood frame dwelling with basement, with a recently constructed garage and gabled roof.

in the Western **District of** New York ,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations

here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371

here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

#4.

Dated this 26th **day of** November , 1968

Edward A. Manning

U. S. Commissioner.

follows:

On November 26 19 64 at 3:12 P.M. o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Mrs Benjamin Nicoletti
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

See attached inventory of items seized. (page 1 & 2)

This inventory was made in the presence of Marilyn Nicoletti
and SA Raymond C. Kruger

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

D. Blake Lewis Jr.

Subscribed and sworn to and returned before me this 2nd day of December, 19 64.

Edward A. Murphy,
U. S. Commissioner.

FILED
DEC 3 1968
AT O'C M.
Roland E. Logel, Clerk

Inventory of items removed from the premises at 455 Cayuga Street, Lewiston, New York on 11/26/68 at 3:12pm - 5:58pm.

Items taken as follows:

2 calendars
1 address book
2 Rolls of quarters $10.00 @ = $20.00
2 Rolls of dimes $5.00 @ = $10.00
4 Rolls of nickels $2.00 @ = 8.00
3 Packs of playing cards
7 Money wrappers
1 envelope with misc. scraps of paper
24 $1.00 American bills = $24.00
7 $1.00 Canadian bills = 7.00
1 $2.00 Canadian bills = 2.00
* 1 M&T Bank envelope with the initials R.M. & I.S. written on it
1 Piece of paper with Bonnie Molestic name written on it.

(Pg. 1)

Inventory of items removed from the premises at 455 Cayuga St. Lewiston, New York on 11/26/68 continued:

Item taken as follows:

1 Football pool ticket # 4120

1 Pair of dice

1 Bag containing (Marine-Midland Bag)

28 $10.00 rolls of quarters = 280.00

6 $5.00 rolls of dimes 30.00

310.00

Witnessed counting and agreed to amount but failed to sign 11/26/68

1 Bag containing (Marine-Midland Bag)

46 $2.00 rolls of nickels = 92.00

1 Bag Containing (Manufactures Trust) containing loose quarters in the amount of 31.75

2 $2.00 Rolls of Nickels 4.00

35.75

2 Packs of playing cards

1 Black wallet

* The M&T Bank envelope with the initials R. M. & 1.04 contained $104.00 when examined on 11/27/68. A. Blake Lewis Jr.

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Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.....

Case No.....

UNITED STATES OF AMERICA

VS.

Premises at 455 Cayuga Street, Lewiston, New York, being that property listed at the Assessors Office for the Town of Lewiston, New York, as owned by Ben Nicoletti, and as a one-story wood frame dwelling with basement, with a recently constructed garage and gabled roof.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) (~~is informed~~)[1] that (~~on the person of~~) (on the premises known as)

Premises at 455 Cayuga Street, Lewiston, New York, being that property listed at the Assessors Office for the Town of Lewiston, New York, as owned by Ben Nicoletti, and as a one-story wood frame dwelling with basement, with a recently constructed garage and gabled roof.

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, (here describe property)

telephones and other gambling paraphernalia, and evidence of gambling violations

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371. (here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C Kruger

Raymond C. Kruger *Signature of Affiant.*

Special Agent, F.B.I.

Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968.

Edmund F Maxwell

United States Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

68-1968-196

68

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

A 1965 red Dodge automobile with current New York State Registration Number LO 2246, being registered to Patsy Passero, 2895 Lewiston Road, Niagara Falls, New York

Commissioner's Docket No. 68

Case No. 129

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

A 1965 red Dodge automobile with current New York State Registration Number LO 2246, being registered to Patsy Passero, 2895 Lewiston Road, Niagara Falls, New York

in the Western District of New York,

there is now being concealed certain property, namely gambling records and paraphernalia and evidence of gambling violations
here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371
here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~[1] } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 1968

#5

Edward A. Manos

U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

follows:

On November 26, 1968 at 4:02 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with PATSY PASSERO
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

$1565.00 in currency

FILED

DEC 3 1968

AT ____ O'C ____ M.
Roland E. Logel, Clerk

This inventory was made in the presence of Special Agent Peter Sofia FBI and

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Dennis M. Gibbs

Subscribed and sworn to and returned before me this 27 day of November, 1968.

Edward McCaffrey
U. S. Commissioner.

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Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE
WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 129

UNITED STATES OF AMERICA

VS.

A 1965 red Dodge automobile with current New York State Registration Number LO 2246, being registered to Patsy Passero, 2895 Lewiston Road, Niagara Falls, New York

AFFIDAVIT FOR SEARCH WARRANT

BEFORE EDMUND F. MAXWELL (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~[1] that ~~(on the person of)~~ (on the premises known as)

A 1965 red Dodge automobile with current New York State Registration Number LO 2246, being registered to Patsy Passero, 2895 Lewiston Road, Niagara Falls, New York

in the Western District of New York

there is now being concealed certain property, namely gambling records and paraphernalia, and evidence of gambling violations (here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371 (here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows: The attached affidavits of Joseph E. Griffin, Jr., James Moody, John Belkota and Raymond C. Kruger.

Raymond C. Kruger

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cr-1968-196

Form A. O. 93 (Revised June 1964)

Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

Premises at 2241 South Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Ralph and Madeline Fava, and as designated on Tax Map 239 as Block B, Lot 8 and the Southern part of Lot 7, and being a blue-gray frame house with a permastone front and front porch.

Commissioner's Docket No. 68

Case No. 124

SEARCH WARRANT

To Any authorized Special Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~[1] } that { ~~on the person of~~ / on the premises known as }

Premises at 2241 South Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Ralph and Madeline Fava, and as designated on Tax Map 239 as Block B, Lot 8, and the Southern part of Lot 7, and being a blue-gray frame house with a permastone front and front porch.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations.

here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371

here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 1968

#6

U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

On 11/25/68, 19 at 2:58 pm o'clock M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Mrs. Madelene Fava
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

Nothing removed from premises

FILED
DEC 3 1968
AT ____ O'C ____ M.
Roland E. Logel, Clerk

This inventory was made in the presence of MRS MADELENE FAVA

and

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Jerome E. O'Hara
Special Agent FBI

Subscribed and sworn to and returned before me this 27 day of November, 1968.

Edward A. Marshall
U. S. Commissioner

13

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.....

Case No.....

UNITED STATES OF AMERICA

VS.

Premises at 2241 South Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Ralph and Madeline Fava, and as designated on Tax Map 239 as Block B, Lot 8 and the Southern part of Lot 7, and being a bluegray frame house with a permastone front and front porch.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell
Name of Commissioner

1112 Prudential Building, Buffalo, New York
Address of Commissioner

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~ that ~~(on the person of)~~ (on the premises known as)

Premises at 2241 South Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Ralph and Madeline Fava, and as designated on Tax Map 239 as Block B, Lot 8 and the Southern part of Lot 7, and being a bluegray frame house with a permastone front and front porch.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys,
here describe property

telephones and other gambling paraphernalia, and evidence of gambling

violations

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.
here give alleged grounds for search and seizure

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger
Signature of Affiant.

Special Agent, F.B.I.
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968.

United States Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

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cr - 1968-196

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Premises at 2262 Woodlawn Avenue, Niagara Falls, New York, being that property described in the Assessors Office for the City of Niagara Falls, New York as owned by Louis C. and Olga T. Cubello, and as designated on Tax Map 201 as Block A7, Lot 370, and as a one-family dwelling and being a one-story pink frame house with white trim.

Commissioner's Docket No. 68

Case No. 123

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~[1] } that { ~~on the person of~~ / on the premises known as }

Premises at 2262 Woodlawn Avenue, Niagara Falls, New York, being that property described in the Assessors Office for the City of Niagara Falls, New York as owned by Louis C. and Olga T. Cubello, and as designated on Tax Map 201 as Block A7, Lot 370, and as a one-family dwelling, and being a one-story pink frame house with white trim.

in the Western **District of** New York ,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations

here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371

here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded **to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~[1] } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.**

Dated this 26th **day of** November , 1968

Edward A. Manning #7.

U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 26, 1968, and have executed it as follows:

On November 26, 1968 at 2:50 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Louis Cubello
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

2 Weekly Football Schedules - Vol 7 for games ending Sunday December 1, 1968 No. 12
1 Weekly Football Schedules - Vol 7 for games ending Sunday, November 17, 1968 No. 10
1 - Pad of lined paper De Luxe Cromicon Bond, Fifth Avenue.
1 - #M39 de Luxe Medium Pt. Bic Pen
1 - lead pencil No 2 3/4 - Hooker Chemical Corp.

This inventory was made in the presence of Mr. + Mrs Louis Cubello, Inv. Phil Trapani, NYSP and Inv. Gerald Forster, N.Y.S.P.

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Francis X Conners

Subscribed and sworn to and returned before me this 2nd day of December, 1968.

Edward A Maney
U. S. Commissioner.

FILED
DEC 3 1968
AT ..... O'C
Robert E. Logal, Clerk
..... M.

12

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.....

UNITED STATES OF AMERICA

Case No.....

VS.

Premises at 2262 Woodlawn Avenue, Niagara Falls, New York, being that property described in the Assessors Office for the City of Niagara Falls, New York as owned by Louis C. and Olga T. Cubello, and as designated on Tax Map 201 as Block A7, Lot 370, and as a one-family dwelling, and being a one-story pink frame house with white trim.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~[1] that ~~(on the person or~~ (on the premises known as)

Premises at 2262 Woodlawn Avenue, Niagara Falls, New York, being that property described in the Assessors Office for the City of Niagara Falls, New York as owned by Louis C. and Olga T. Cubello, and as designated on Tax Map 201 as Block A7, Lot 370, and as a one-family dwelling, and being a one-story pink frame house with white trim.

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, telephones and other gambling paraphernalia, and evidence of gambling violations

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger

Raymond C. Kruger *Signature of Affiant.*

Special Agent, F.B.I.

Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 19 68.

Edmund F. Maxwell

United States Commissioner.

[1] *The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)*

19

cr-1968-796

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

Premises at 513 15th Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York, as owned by Filippina Paonessa, and as designated on Tax Map 166 as Block B, Lot 18, and being a brown brick, two-story dwelling with a front porch on each floor, with white trim and a green front gable.

Commissioner's Docket No. 68

Case No. 125

SEARCH WARRANT

To Any authorized Special Agent of the Federal Bureau of Investigation

Affidavit having been made before me by

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

Premises at 513 15th Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Filippina Paonessa, and as designated on Tax Map 166 as Block B, Lot 18, and being a brown brick, two-story dwelling with a front porch on each floor, with white trim and a green front gable.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations

here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371

here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~[1] } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 19 68

#8

U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant Nov. 26, 19 68, and have executed it as follows:

On Nov. 26, 19 68 at 2 54 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Mrs Ronald (Marie) Appoloney
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

48 pieces of paper bearing names, numbers, and names of sporting teams.

FILED

DEC 3 1968

AT ____ O'C ____ M.
Roland E. Logel, Clerk

This inventory was made in the presence of Mrs. Ronald Appoloney

and

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Richard W. Rudy

Subscribed and sworn to and returned before me this 27 day of November, 19 68.

Edward M Nealon

U. S. Commissioner.

14

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.....

Case No.....

UNITED STATES OF AMERICA

VS.

Premises at 513 15th Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York, as owned by Filippina Paonessa, and as designated on Tax Map 166 as Block B, Lot 18, and being a brown brick, two-story dwelling with a front porch on each floor, with white trim and a green front gable.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~[1] that ~~(on the person)~~ (on the premises known as)

Premises at 513 15th Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York, as owned by Filippina Peonessa, and as designated on Tax Map 166 as Block B, Lot 18, and being a brown brick, two-story dwelling with a front porch on each floor, with white trim and a green front gable.

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, telephones and other gambling paraphernalia, and evidence of gambling violations

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger
Raymond C. Kruger (Signature of Affiant.)
Special Agent, F.B.I. (Official Title, if any.)

Sworn to before me, and subscribed in my presence, November 26, 1968.

Edmund F. Maxwell
United States Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

Cr-1968-196

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Premises at 2654 North Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Marguerite M. Nicoletti, as indicated on Tax Map 275 as Block B, Lot 267 and the Eastern portion of Lot 265, and being a pink or coral frame Cape Cod dwelling with white trim.

Commissioner's Docket No. 68

Case No. 116

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

Premises at 2654 North Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Marguerite M. Nicoletti, as indicated on Tax Map 275 as Block B, Lot 267 and the Eastern portion of Lot 265, and being a pink or coral frame Cape Cod dwelling with white trim.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations
here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371
here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 1968

Edward M. Nowak #9.

U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant NOVEMBER 26, 1968, and have executed it as follows:

On NOVEMBER 26, 1968 at 2:52 o'clock P. M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with MARGUERITE M. NICOLETTI
name of person searched or owner or "at the place of search"
together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

(SEE ATTACHED)

FILED

DEC 4 1968

AT ____ O'C ____ M.
Roland E. Logel, Clerk

This inventory was made in the presence of SPECIAL AGENTS CHARLES SANDALL, JAMES NEAL and ERWIN W. LAUGEMAN

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Erwin W. Laugeman

Subscribed and sworn to and returned before me this 3rd day of December, 1968.

Edward A. Marks
U. S. Commissioner.

NOVEMBER 26, 1968
NIAGARA FALLS, N.Y.

1. $1000 MANUFACTURERS & TRADERS TRUST Co. MONEY STRAP.
2. BUSINESS CARD, RECEIPT & FUR POLICY, SELLER-GOUGH FURS LIMITED, 244 YONGE ST., TORONTO, ONTARIO, PAID IN CASH $1,296.75.
3. LETTER AND ENVELOPE FROM DOTTIE MAYHEW, SUNTAN MOTEL & REST., TURKEY POINT, ONTARIO, CANADA TO MR. LOUIS TRAVANO C/O B. NICOLETTI, 2654 NORTH AVE, N.F., N.Y. DATED 11/9/67
4. $257.00 CURRENCY

   5 - $20 = $100
   27 - $5 = $135
   22 - $1 = 22
   $257.00

5. COPPER CASH BOX CONTAINING PIECE OF PAPER WITH FIGURE OF "8900BR" AND NOTE DATED 8/23/68.
6. 1S SPIRAL NOTEBOOK #6347
7. 3 - 3X5 CARDS WITH NUMBERS & NAMES
8. LAMMERTS INC. INVOICE DATED 10/18/68 # 00 267 WITH FIGURES ON BACK.
9. PIGSKIN TICKET # 2024 FOR 11/28/68.
10. ENVELOPE & LETTER TO MRS. B. NICOLETTI FROM BANK OF COMMERCE, 210 MAIN ST, PORT COLBORNE, ONT. DATED 1/5/68 ENCLOSING DRAFT # V891177, $105.00 CANADIAN DOLLARS. CHG. TO SAVINGS ACCT # 4164

A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.....

Case No.....

UNITED STATES OF AMERICA

VS.

Premises at 2654 North Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Marguerite M. Nicoletti, as indicated on Tax Map 275 as Block B, Lot 267 and the Eastern portion of Lot 265, and being a pink or coral frame Cape Cod dwelling with white trim.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~[1] that ~~(on the person or)~~ (on the premises known as)

Premises at 2654 North Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Marguerite M. Nicoletti, as indicated on Tax Map 275 as Block B, Lot 267 and the Eastern portion of Lot 265, and being a pink or coral frame Cape Cod dwelling with white trim.

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, telephones and other gambling paraphernalia, and evidence of gambling violations

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger

Raymond C. Kruger *Signature of Affiant.*

Special Agent, F.B.I.

Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968.

Edmund F. Maxwell

United States Commissioner.

[1] *The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)*

6 cr-1968-196

Form A. O. 93 (Revised Oct. 1953) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 117

UNITED STATES OF AMERICA

v.

Premises at 1120 Linwood Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Anthony DeNofrio, and as designated on Tax Map 225 as being Block B, Lot 46, and being a two story brown shingle residence with yellow trim and greenish roof, with front porch and front door and a side porch and a side door with a number of gables on the sides, the house being on the north side of Linwood Avenue facing south

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he {has reason to believe / ~~is positive~~} **that** {~~on the person of~~ / on the premises known as} Premises at 1120 Linwood Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Anthony DeNofrio, and as designated on Tax Map 225 as being Block B, Lot 46, and being a two story brown shingle residence with yellow trim and greenish roof, with front porch and front door and side porch and further described in the above title **in the** Western **District of** New York

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371

(here give alleged grounds for search and seizure)

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the {person / premises} **above described and that the foregoing grounds for application for issuance of the search warrant exist.**

You are hereby commanded **to search forthwith the** {person / place} **named for the property specified, serving this warrant and making the search** {in the daytime / ~~at any time in the day or night~~}[1] **and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.**

Dated this 26 **day of** November **, 1968**

#10

Edward S. Maggs

U. S. Commissioner.

1. The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant Nov. 26, 1968, and have executed it as follows:

On Nov. 26, 1968 at 3:27 o'clock P M, I searched {~~the person~~ / the premises} described in the warrant and

I left a copy of the warrant ~~with~~ on the interior staircase of Apt. #3 at place of search
name of person searched or owner or "at the place of search"
together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

1 sheet white cellulose "flash" paper.
4 "Patti's" racing sheets.
3 sheets of white paper bearing handwritten names and numbers.
1 Niagara Falls telephone directory
1 Personal telephone directory
1 whitepad with handwritten numbers.
~~2 O.I white envelope with~~ GPD
8 ball point pens & 1 ruler.

This inventory was made in the presence of Special Agents Raymond B. Johnson and Hugh Higgins.

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Graham J. Desormeaux

Subscribed and sworn to and returned before me this 3rd day of December, 1968.

E. J. Mantz,
United States Commissioner.

FILED
DEC 4 1968
AT ___ O'C ___ M.
Roland E. Logel, Clerk

6.

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.....

Case No.....

UNITED STATES OF AMERICA

VS.

Premises at 1120 Linwood Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Anthony DeNofrio, and as designated on Tax Map 225 as being Block B, Lot 46, and being a two story brown shingle residence with yellow trim and greenish roof, with front porch and front door and a side porch and a side door with a number of gables on the sides, the house being on the north side of Linwood Avenue facing south.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell
Name of Commissioner

1112 Prudential Building, Buffalo, New York
Address of Commissioner

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~[1] that ~~(on the person of)~~ (on the premises known as)

Premises at 1120 Linwood Avenue, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Anthony DeNofrio, and as designated on Tax Map 225 as being Block B, Lot 46, andbeing a two story brown shingle residence with yellow trim and greenish roof, with front porch and front door and a side porch and a side door with a number of gables on the sides, the house being on the north side of Linwood Avenue facing south.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys,
here describe property

telephones and other gambling paraphernalia, and evidence of gambling

violations

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.
here give alleged grounds for search and seizure

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger
Signature of Affiant.

Raymond C. Kruger
Special Agent, F.B.I.
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968.

United States Commissioner.

[1] *The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)*

7 - cr -1968-196

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

Premises at 177 61st Street, Niagara Falls, New York, being that property in the Assessors Office for the City of Niagara Falls, New York as owned by Nicholas Pugliese, and as indicated on Tax Map 409 as Block B, Lot #79, and as a single family dwelling and being a two-story brown shingled house with white trim.

Commissioner's Docket No. 68

Case No. 118

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

Premises at 177 61st Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Nicholas Pugliese, and as indicated on Tax Map 409 as Block B, Lot #79, and as a single family dwelling, and being a two-story, brown shingled house with white trim.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations
here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371
here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~[1] } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 1968

#11.

Edward Maxwell

U. S. Commissioner.

[1] *The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)*

RETURN

I received the attached search warrant November 26, 1968 and have executed it as follows:

On November 26 1968 at 2:58 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Mrs Rita Purglese
name of person searched or owner or "at the place of search"
together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

1. Two Telephone Books
2. Wastebasket, 6 Rolls of Nickles, 2 pen Roll, 83 Half Dollars, $41.50, & 11 Silver Dollars
3. Flash paper, 1 piece
4. 2 Envelopes with Telephone Numbers, and 3 pieces of paper with numbers
5. Carrying Pocketbook case with note book, pencil and Flashpaper.
6. One Sheet, Flash Paper, Bet Slips
7. One Sheet, Flash Paper, Bet Slips
8. Pittsburgh Daily Racing News for 11/25/68
9. $68 Dollars (Two 5, -5-$10, 8 -$1,)
10. Track Table + Tablet
11. Pittsburgh Daily Racing News for 11/26/68
12. Roll of Recording Tape
13. One Telephone and cord

This inventory was made in the presence of Mrs. Rita Purglese, SA James Comfort and Investigator James Beekins, New York State Police

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Robert L. Johnston

Subscribed and sworn to and returned before me this 3rd day of December, 1968.

Edward A. Maney
U. S. Commissioner.

FILED

DEC 4 1968

AT ____ O'C ____ M.
Roland E. Logel, Clerk

7

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.....

Case No.....

UNITED STATES OF AMERICA

VS.

Premises at 177 61st Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Nicholas Pugliese, and as indicated on Tax Map 409 as Block B, Lot #79, and as a single family dwelling, and being a two-story, brown shingled house with white trim.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) (~~is credibly informed~~)[1] that ~~on the person of~~ (on the premises known as)

Premises at 177 61st Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Nicholas Pugliese, and as indicated on Tax Map 409 as Block B, Lot #79, and as a single family dwelling, and being a two-story, brown shingled house with white trim.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, (here describe property) telephones and other gambling paraphernalia, and evidence of gambling violations

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371. (here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger
Signature of Affiant.

Raymond C. Kruger
Special Agent, F.B.I.
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968.

Edmund F. Maxwell
United States Commissioner.

[1] Strike out one. Before a search warrant may be issued, the statute provides that the ... shall direct that it be served in the daytime, but if the affidavits are positive

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.

UNITED STATES OF AMERICA

Case No.

VS.

Premises at 1216 Niagara Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Angelo and Ana Godino, and as a commercial building, and as designated on Tax Map 157, Block E, Lot 29, and being part of a cinder block building with a yellow brick front, and being the part of the building used as a novelty shop.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell, Name of Commissioner — 1112 Prudential Building, Buffalo, New York, Address of Commissioner

The undersigned being duly sworn deposes and says:

That he (has reason to believe) that (on the premises known as)

Premises at 1216 Niagara Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Angelo and Ana Godino, and as a commercial building, and as designated on Tax Map 157, Block E, Lot 29, and being part of a cinder block building with a yellow brick front, and being the part of the building used as a novelty shop.

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, telephones and other gambling paraphernalia, and evidence of gambling violations

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger
Raymond C. Kruger *Signature of Affiant.*
Special Agent, F.B.I.
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 19 68.

United States Commissioner.

[1] *The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)*

#12.

CR-1968-196

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Premises at 1216 Niagara Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Angelo and Ana Godino, and as a commercial building, and as designated on Tax Map 157, Block E, Lot 29, and being part of a cinder block building with a yellow brick front, and being the part of the building used as a novelty shop.

Commissioner's Docket No. 68

Case No. 119

SEARCH WARRANT

To Any authorized Special Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

Premises at 1216 Niagara Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Angelo and Ana Godino, and as a commercial building, and as designated on Tax Map 157, Block E, Lot 29, and being part of a cinder block building with a yellow brick front, and being the part of the building used as a novelty shop.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations
here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371
here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ [1] } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 1968

Edward A. Adams

U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 22, 1968, and have executed it as follows:

On 11/24/68, 19 at 2:52 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Michael A. Farella
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

1- Telephone
1- "Daily Racing Form"
1- "Patti's Daily Racing News"
1- "Daily News" 11/24/68.
21 - pieces of white paper.
2 - pieces of cardboard
1 - Kleenex containing ashes.
3 - pens
1 - pencil
1 - Taymetr (clock)
1- Philco radio.
10 - Receipts indicating Michael Farella as lender.
1 - New York Telephone bill.
1 - Telephone book
1 - Telephone set box containing telephone dial and wire.

This inventory was made in the presence of SA Francis B. Jenkins, FBI,

and

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Edward J. Thill

Subscribed and sworn to and returned before me this 3rd day of December, 1968.

Edward A. Maney
U. S. Commissioner.

FILED
DEC 4 1968
AT O'C
Roland E. Logel, Clerk M.

9 . . .

cr - 1968 - 196

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Premises at 2895 Lewiston Road, Niagara Falls, New York, being that property listed at the Assessors Office for the City of Niagara Falls, New York, as owned by Patsy and Marie A. Passero, and as designated on Tax Map 82 as Block B and a part of Lot 36, and as a one-family dwelling, and being a yellow brick house with brown trim.

Commissioner's Docket No. 68

Case No. 120

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation.

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

Premises at 2895 Lewiston Road, Niagara Falls, New York, being that property listed at the Assessors Office for the City of Niagara Falls, New York, as owned by Patsy and Marie Passero, and as designated on Tax Map 82 as Block B and a part of Lot 36, and as a one-family dwelling, and being a yellow brick house with brown trim.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations
here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371
here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 1968

#13.

Edward A. Manes

U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that *the property is* on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 26, 1968, and have executed it as follows:

On November 26, 1968 at 2:44 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Patsy Passero
name of person searched or owner or "at the place of search"
together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

See attached sheets of paper.

FILED

DEC 4 1968

AT_____O'C_____M.
Roland E. Logel, Clerk

This inventory was made in the presence of PATSY PASSERO, Special Agent Jack W. Sunderland of the FBI and Special Agent Dennis M. Gibbs of the FBI

I swear that this Inventory is a true and detailed account of ~~all~~ the property taken by me on the warrant.

Kenneth D. Glenn

Subscribed and sworn to and returned before me this 3rd day of December, 1968.

Clerk A. Wheeler

U. S. Commissioner.

November 26, 1968
Niagara Falls New York

Following is a list of items seized by me in search of premises 2895 Lewiston Road, Niagara Falls New York, pursuant to Search Warrant Commissioners Docket #68, Case #120 issued through United States District Court for the Western District of New York.

ATTIC

1. White Desk Dial Phone with # 282-8505
2. Blue Desk Dial Phone with # BUTLER 4-0169.
3. Black Wall phone with # 282-2155.
4. Small Red Address Book
5. Box of playing cards, loose, red & blue diamond back BEE brand. Box also contained 6 pairs of dice, red.
6. Box of playing cards, loose, red BEE brand.

Passero's Bedroom - Second Floor

1. 1 Vial containing 6 DEXIDRENE capsules.

FRONT ROOM - RIGHT, SECOND FLOOR

Nothing

SEE NEXT PAGE

Searching 2895 Lewiston Rd Cont'd.

Front Hall - 1st Floor.

1. Table of Comparative Track records from Friday 11/1/68 "Daily Racing Form", Page 28.
2. Two Money Order receipts from Western Union (Copies) showing money sent from Pat Passero 2895 Lewiston Road, Niagara Falls, New York to Albert Passero 315 83rd St. Miami Beach Fla:
   6/29/68 - $50.00
   7/7/68 - $120.00
3. Black Desk Dial Phone # 285-2122 with attached "PRESTO DIAL"
4. Weekly Basketball News & Schedule Vol. 7 published by Sports Publications for games through 12/8/68.
5. Weekly Football News & Schedule Vol. 7 published by Sports Publications for games through 12/1/68
6. Telephone - Address Mechanism
7. Map of Niagara Falls, N.Y. & Part of Canada with markings
8. Five red dice with container "Riviera, Las Vegas"

See Next Page

The items Listed Below were found in the Basement/ Cellar of 2895 Lewiston Road, Niagara Falls, N.Y. on 11/26/68.:

(A) 1 phamplet entitled "World's Best Boards"

(B) 1 price list from Deluxe Sales company listing prices of gambling paraphenailia.

(C) 1 price list of various betting tickets from Deluxe Sales Company

(D) 1 phamplet "a Fortune For You" from Deluxe Sales Company.

(E) 1 pink resale circular dated 2-15-67 from deluxe Sales Company, Blue Earth Minnesota.

(F) 1 order blank for Deluxe Sales Company

(G) 1 Fort Erie Official Program dated 8-20-65

Kenneth P. Klemar Special Agent
FBI Buffalo New York
11/26/68

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.

Case No.

UNITED STATES OF AMERICA

vs.

Premises at 2895 Lewiston Road, Niagara Falls, New York, being that property listed at the Assessors Office for the City of Niagara Falls, New York, as owned by Patsy and Marie A. Passero, and as designated on Tax Map 82 as Block B and a part of Lot 36, and as a one-family dwelling, and being a yellow brick house with brown trim.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~ that ~~(on the person of)~~ (on the premises known as)

Premises at 2895 Lewiston Road, Niagara Falls, New York, being that property listed at the Assessors Office for the City of Niagara Falls, New York, as owned by Patsy and Marie A. Passero, and as designated on Tax Map 82 as Block B and a part of Lot 36, and as a one-family dwelling, and being a yellow brick house with brown trim.

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, telephones and other gambling paraphernalia, and evidence of gambling violations

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger
Signature of Affiant.

Raymond C. Kruger
Special Agent, F.B.I.
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968.

United States Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

11

cr-1968-196

Form A. O. 93

Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 122

UNITED STATES OF AMERICA

v

Premises at 5308 Elm Drive, Lewiston, New York being that property described in the Assessors Office for the Town of Lewiston, New York as owned by Lewis C. Tavano, and as designated in Tax Map Lot Number 811606, Lot Number 209, and being a white wood frame with brick facing structure with a two-car garage.

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation:

Affidavit having been made before me by Raymond C. Kruger

that he (has reason to believe) ~~(is positive)~~ that (~~on the person of~~) (on the premises known as) premises at 5308 Elm Drive, Lewiston, New York, being that property described in the Assessors Office for the Town of Lewiston, New York as owned by Lewis C. Tavano, and as designated in Tax Map Lot Number 811606, Lot Number 209, and being a white wood frame with brick facing structure with a two-car garage.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations.

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371

(here give alleged grounds for search and seizure)

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the (premises) above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the (~~person~~) (place) named for the property specified, serving this warrant and making the search (in the daytime) (~~at any time in the day or night~~) and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 1968

Edward T. Maloney

U. S. Commissioner.

1. The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

#14

I received the attached search warrant on Nov. 26, 1968 and have executed it as follows:

On Nov. 26, 1968 at 2:45 o'clock P M, I searched ~~the person~~ the premises described in the warrant and

~~the following is an inventory of property taken pursuant to the warrant~~

nine (9) pieces of paper of various sizes and shapes reflecting numbers and names

three (3) pages, New York Telephone statement of calls and telegrams, billing number 297-5749

Lee Mann Edm
Special Agent FBI

Witness: Josiah T Hughes, Sp Ag FBI, B/6, NY, 11/26/68.

Sworn to + subscribed before me this 27th day of November

Edward [illegible]

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

Premises at 5308 Elm Drive, Lewiston, New York being that property described in the Assessors Office for the Town of Lewiston, New York as owned by Lewis C. Tavano, and as designated in Tax Map Lot Number 811606, Lot Number 209, and being a white wood frame with brick facing structure with a two-car garage.

Commissioner's Docket No. 68

Case No. 122

SEARCH WARRANT

To

Any authorized agent of the Federal Bureau of Investigation:

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~[1] } that { ~~on the person of~~ / on the premises known as } 5308 Elm Drive, Lewiston, New York, being that property described in the Assessors Office for the Town of Lewiston, New York as owned by Lewis C. Tavano, and as designated in Tax Map Lot Number 811606, Lot Number 209, and being a white wood frame with brick facing structure with a two-car garage.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations.

here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371

here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~[1] } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 19 68.

_____,
U. S. Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 26, 19 68, and have executed it as follows:

On November 26, 19 68 at 2:45 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Mrs. Nanette Tavano
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

Nine (9) pieces of paper of various sizes and shapes reflecting numbers and names.

Three (3) pages, New York Telephone statement of calls and telegrams, billing number 297-5749.

This inventory was made in the presence of Josiah L. Hughes

and

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Lee Mason Eidson

Subscribed and sworn to and returned before me this 3 day of ~~November~~ DECEMBER, 19 68.

Edward Maher
U. S. Commissioner.

FILED
DEC 4 1968
AT ___ O'C ___ M.
Roland E. Logel, Clerk

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.....

Case No.....

UNITED STATES OF AMERICA

VS.

Premises at 5308 Elm Drive, Lewiston, New York being that property described in the Assessors Office for the Town of Lewiston, New York as owned by Lewis C. Tavano, and as designated in Tax Map Lot Number 811606, Lot Number 209, and being a white wood frame with brick facing structure with a two-car garage.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell
Name of Commissioner

1112 Prudential Building, Buffalo, New York
Address of Commissioner

The undersigned being duly sworn deposes and says:

That he (has reason to believe) (~~is positive~~)[1] that ~~(on the person of)~~ (on the premises known as)

Premises at 5308 Elm Drive, Lewiston, New York being that property described in the Assessors Office for the Town of Lewiston, New York as owned by Lewis C. Tavano, and as designated in Tax Map Lot Number 811606, Lot Number 209, and being a white wood frame with brick facing structure with a two-car garage.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones and other gambling paraphernalia, and evidence of gambling violations
here describe the property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371.
here give alleged grounds for search and seizure

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows: Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger,
Signature of Affiant.

Raymond C. Kruger, Special Agent F.B.I.
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968

United States Commissioner.

[1] *The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)*

I received the attached search warrant on Nov. 26, 1968 and have executed it as follows:

On Nov. 26, 1968 at 2:45 pm Ditch, I searched the premises described in the warrant and the following is an inventory of property taken persuant to the warrant

nine (9) pieces of paper of various sizes and shapes reflecting numbers and names

three (3) pages, New York Telephone statement of calls and telegrams, billing number 297-5749

Lee Mann Eden
Special Agent FBI

Witness: Josiah T Hughes, Sp. Ag FBI, Buf, NY, 11/26/68.

FILED
DEC 4 1968
AT O'C M.
Roland E. Vogel, Clerk

cr-1968-196

16

Form A. [illegible]3 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

A 1967 Brown Cadillac Automobile with current New York State Registration Number 5280 NF, being registered to Ben Nicoletti, 1002 North Hewitt Drive, Lewiston, New York

Commissioner's Docket No. 68

Case No. 127

SEARCH WARRANT

To any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

a 1967 brown Cadillac automobile with current New York State Registration Number 5280 NF, being registered to Ben Nicoletti, 1002 North Hewitt Drive, Lewiston, New York

in the Western District of New York,

there is now being concealed certain property, namely gambling records and paraphernalia and evidence of gambling violation.
here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2, 371
here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { ~~in the daytime~~ / at any time in the day or night[1] } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26 day of November, 1968 #15.

Edward A. Conyes

U. S. Commissioner.

[1] *The Federal Rules of Criminal Procedure provide:* "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 26, 1968, and have executed it as follows:

On November 26, 1968 at 2:52 PM o'clock PM M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Benjamin J Nicoletti Sr.
(name of person searched or owner or "at the place of search")

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

See attached inventory of property seized

FILED

DEC 4 1968

AT ——— O'C ——— M.
Roland E. Logel, Clerk

This inventory was made in the presence of Benjamin J Nicoletti Sr.

and

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Donald E Hartsell

Subscribed and sworn to and returned before me this 3rd day of December, 1968.

Edward A Mayo

U. S. Commissioner.

Property taken from a 1967 Brown Cadillac Automobile with
current New York State Registration # 528J NF
located parked on Main Street Niagara Falls just East of
Rainbow Bridge Restaurant

One 4" x 6" piece of white paper bearing notations with
heading "Serial" on one side. The other side bears
certain numbers.

One Motor Vehicle Registration Card # 187963 I issued to Ben
Nicholetti, 1002 N Hewitt Dr Lewiston N.Y. for a
1967 Brown Cadillac NY plate 528 NF

One New York Drivers License # 6 715 283 for Ben Nicholetti
455 Cayuga St Lewiston, N.Y.

One Aetna Casualty and Surety Company Assigned
Risk Policy for Ben Nicholetti from R. J Tarbox Agency
3012-18th St Niagara Falls, N.Y.

One Permit order Dated 8/15/68 for purchase of a 1969
Buick Cadillac model 8347 in name of Benny Nicholetti
455 Cayuga St Lewiston N.Y. Price $6798.75 with
4048.75 being allowed on a 1967 car model 8347

One Blue Cross - Blue Shield Card # 291675 in name of
Ben Nicholetti.

One N.Y State Drivers License # 5 706179 Bois for Ben Nicholetti
which expired 9/30/68. Address 1002 Hewitt Dr. Lewiston N.Y.

One 4"x6" white piece of paper with notation "Ver 9 7F3 70 72 4 H"

(Page 1)

Property taken from a 1967 Brown Cadillac Automobile with
Current New York State Registration #5250 NT located
parked on Main St Niagara Falls, NY just away
by Found Dr Card Replacement (Continued from page 1)
One brown folder for personal papers
One Main Midland Trust Company of Western NY
Deposit Slip dated 11/26/68 for 200. Bears
notation $\frac{50}{151}$ 3 869 11/26 200.00 D 308
One Main Trust Company Midland Time Plan "Introduction
Card" Bearing name Ben Nicoletti and Social S# 091-28-2870
One Pioneer Fishing License #20544 STB/P on Ben
Nicoletti, 45 Cayuga St Lewiston, NY
One bottle marked "Les Comprimes, 222 Tablets" containing
approximately 20 pills.
One white 3½" x 6½" white envelope bearing notation
"Nicoletti keys
Seventeen (17) Keys
Following Keys
Colo National (IN 3) with red dot marked "Rear 907 N T"
JECO (RU3)
ILCO 1054 F
Kaf 2B
Lincoln Marine B
JECO RU3
YALE LL154
YALE (no #)
Lincoln Marine (no #)
One Brown Box
(Released to be signed by Benjamin J Nicoletti
Donald E Harland Special Agt FBI Buffalo NY

16

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

Western District of New York

Commissioner's Docket No.....

Case No.....

UNITED STATES OF AMERICA

VS.

A 1967 Brown Cadillac Automobile with current New York State Registration Number 5280 NF, being registered to Ben Nicoletti, 1002 North Hewitt Drive, Lewiston, New York

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) (~~is positive~~)[1] that (~~on the person of~~) (on the premises known as) a 1967 brown Cadillac automobile with current New York State Registration Number 5280 NF, being registered to Ben Nicoletti, 1002 North Hewitt Drive, Lewiston, New York

in the Western District of New York,

there is now being concealed certain property, namely gambling records and paraphernalia and evidence of the gambling violation. (here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, 371 (here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows: The attached affidavits of Joseph E. Griffin, Jr., James Moody, John Belkota and Raymond C. Kruger.

Raymond P. Kruger
Signature of Affiant.

S.A.F.B.I.
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968

Edmund F. Maxwell
United States Commissioner.

[1] *The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)*

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 112

UNITED STATES OF AMERICA

VS.

Premises at 1338 Niagara Street, Niagara Falls, New York, being that property described in the Assessors Office for the City of Niagara Falls, New York as the location of the Magaddino Funeral Home, Inc., and as designated on Tax Map 157, Block A, as Lot seven, and part of eight and the Southern part of nine and the Easte part of ten, and being a funeral home, and being a one-story yellow-brick structure with white trim.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell
Name of Commissioner

1112 Prudential Building, Buffalo, New Y
Address of Commissioner

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~[1] that ~~(on the person or)~~ (on the premises known as)

Premises at 1338 Niagara Street, Niagara Falls, New York, being that property described in the Assessors Office for the City of Niagara Falls, New York as the location of the Magaddino Funeral Home, Inc., and as designated on Tax Map 157, Block A, as Lot seven, and part of eight and the Southern part of nine and the Eastern part of ten, and being a funeral home, and being a one-story yellow-brick structure with white trim.

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys,
here describe property

telephones and other gambling paraphernalia, and evidence of gambling violations

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.
here give alleged grounds for search and seizure

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger
Signature of Affiant.

Special Agent, F.B.I.
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968.

United States Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

#16.

cr-1968-19 E

A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Commissioner's Docket No. 68

Case No. 112

Premises at 1338 Niagara Street, Niagara Falls, New York, being that property described in the Assessors Office for the City of Niagara Falls, New York as the location of the Magaddino Funeral Home, Inc., and as designated on Tax Map 157, Block A, as Lot seven, and part of eight and the Southern part of nine and the Eastern part of ten, and being a funeral home, and being a one-story yellow-brick structure with white trim.

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } **that** { ~~on the person of~~ / on the premises known as }

Premises at 1338 Niagara Street, Niagara Falls, New York, being that property described in the Assessors Office for the City of Niagara Falls, New York as the location of the Magaddino Funeral Home, Inc., and as designated on Tax Map 157, Block A, as Lot seven, and part of eight and the Southern part of nine and the Eastern part of ten, and being a funeral home, and being a one-story yellow-brick structure with white trim.

in the Western **District of** New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations
here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371
here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } **above described and that the foregoing grounds for application for issuance of the search warrant exist.**

You are hereby commanded **to search forthwith the** { ~~person~~ / place } **named for the property specified, serving this warrant and making the search** { in the daytime / ~~at any time in the day or night~~[1] } **and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.**

Dated this 26th **day of** November, **19**68

Edward S. Manley

U. S. Commissioner.

[1] *The Federal Rules of Criminal Procedure provide:* "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that *the property is* on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 26, 1968, and have executed it as follows:

On November 26, 1968 at 2:55 o'clock P. M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Peter J. Magaddino
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

$1235 taken from lower, left desk drawer in office of Peter A. Magaddino.

1740 taken from drawer #1 (top drawer) of safe type file cabinet in office.

A brown vinyl briefcase containing 4 envelopes and papers, with envelopes containing 4 bundles of money totalling $27,016.

$8000 taken from bottom drawer, #4, of safe type file cabinet in office.

This inventory was made in the presence of Peter J. Magaddino, Andrew S. Manning Jr. and Richard F. Foley.

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Maurice G. Anthony

Subscribed and sworn to and returned before me this 4th day of December, 1968.

[signature]
U. S. Commissioner.

FILED

DEC 5 1968

AT ——— O'C ——— M.
Roland E. Logel, Clerk

2

A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No.....

Case No.....

UNITED STATES OF AMERICA

VS.

Premises at 1103 22nd Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Peter A. and Frances Magaddino, and as indicated on Tax Map 201 as Block A-7, Lot 330, and as a one-family dwelling, and being a one-floor, grey shingled dwelling with an attached two-car garage.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) that ~~(on the person of)~~ (on the premises known as)

Premises at 1103 22nd Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Peter A. and Frances Magaddino, and as indicated on Tax Map 201 as Block A-7, Lot 330, and as a one-family dwelling, and being a one-floor, grey shingled dwelling with an attached two-car garage.

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, telephones and other gambling paraphernalia, and evidence of gambling violations

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

#17.

cr-1968-196

Form A. O. 88 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

Premises at 1103 22nd Street, Niagara Falls, New York being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Peter A. and Frances Magaddino, and as indicated on Tax Map 201 as Block A-7, Lot 330, and as a one-family dwelling, and being a one-floor, grey shingled dwelling with an attached two-car garage.

Commissioner's Docket No. 68

Case No. 113

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

Premises at 1103 22nd Street, Niagara Falls, New York, being that property listed in the Assessors Office for the City of Niagara Falls, New York as owned by Peter A. and Frances Magaddino, and as indicated on Tax Map 201 as Block A-7, Lot 330, and as a one-family dwelling, and being a one-floor grey shingled dwelling with an attached two-car garage.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations

here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371

here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 1968

Edward A. Manger

U. S. Commissioner.

[1] *The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)*

RETURN

I received the attached search warrant November 26, 1968, and have executed it as follows:

On November 26, 1968 at 3:40 o'clock P M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with Mrs. Peter A. Magaddino
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

See attached

FILED
DEC 5 1968
AT ____ O'C ____ M.
Roland E. Logel, Clerk

This inventory was made in the presence of SA Richard F. Schaller

and

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Joseph E. Griffin Jr.

Subscribed and sworn to and returned before me this 4 day of December, 1968.

Edward A. Maloney
U. S. Commissioner.

The following items were taken pursuant to federal search warrant of premises at 1103 22nd St, Niagara Falls, Ny. Subject is resident of Peter A. Magaddino:

(1) $473,134.00 in cash

(2) 5 strong boxes, 1 overnight bag, and 1 suitcase containing (1)

(3) List of many names, addresses, and figures. Among names listed are following:

(A) G. Di Gregorio, 1417 De Kalb Ave Brooklyn and 162 N. Forrest Ave, Rockville Center, L.I, Ny

(B) J. Falcone, 1623 Mohawk, Utica, Ny.

(C) A. Di Stefano, Fulton, N.Y.

(D) F. Randaccio, 582 Richmond Ave

(E) V. Randaccio, 282 Sterling Ave

(F) J. La Tempio, 15 Dalton Dr, Kenmore, Ny

(G) Frankie Perna, Buffalo

(4) 9 bank books

(5) Numerous pieces of paper containing writing

(6) Address book containing many names, address, and telephone numbers

(7) One black book

(8) One semi automatic pistol with fully loaded clip

SA Joseph C. Buff, FBI, Buffalo, Ny.

4 Cr-1968-196

Form A. O. 9 (Revised Oct. 1953) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 15

UNITED STATES OF AMERICA

v.

Premises at 1002 N. Hewitt Drive, Lewiston, New York, being that property listed at the Assessors Office for the Town of Lewiston, New York, as owned by Benjamin Nicoletti, and as Lot #823410, and as a two-story split level dwelling, and as being a split level with a deep red front over red brick.

SEARCH WARRANT

To Any authorized Special Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he {has reason to believe / is positive[1]} **that** {~~on the person of~~ / on the premises known as} premises at 1002 N. Hewitt Drive, Lewiston, New York, being that property listed at the Assessors Office for the Town of Lewiston, New York as owned by Benjamin Nicoletti, and as Lot #823410, and as a two-story split level dwelling, and as being a split level with a deep red front over red brick. **in the** Western **District of** New York

there is now being concealed certain property, namely gambling records, moneys, telephones and other gambling paraphernalia and evidence of gambling violations

here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371

here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the {~~person~~ / premises} **above described and that the foregoing grounds for application for issuance of the search warrant exist.**

You are hereby commanded **to search forthwith the** {person / ~~place~~} **named for the property specified, serving this warrant and making the search** {in the daytime / ~~at any time in the day or night~~} **and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.**

Dated this 26th **day of** November **, 1968**

Edward A. Reilly #18.

U. S. Commissioner.

1. *The Federal Rules of Criminal Procedure provide:* "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that *the property is on the person or in the place to be searched,* the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 26, 1968, and have executed it as follows:

On November 26, 1968 at 3:02 o'clock P M, I searched {~~the person~~ / the premises} described in the warrant and

I left a copy of the warrant ~~with~~ on the kitchen table, 1002 N. Averill Drive, Lewiston N.Y.
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

500.00 Cash
Extension telephone
2 Adding Machines
Bank records & financial records ~~(Blanket for plastic Container)~~ (See attached itemized lists)
~~[redacted]~~ 48 3x5 Cards with Numbers & writing
Cards Index of Clients & Cards of Clients
First Federal Savings & Loan Assn Bank Book
2" x 4" note book with plastic Cover

This inventory was made in the presence of Investigators John P. Wilcox
and John D. Steinmetz Jr. Secretary Clerk State Police

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Thomas R. Jenson

Subscribed and sworn to and returned before me this 4th day of December, 1968.

Edward A. Maxwell,
United States Commissioner.

FILED
DEC 5 1968
AT ___ O'C ___ M.
Roland E. Logel, Clerk

Search of residence at 1002 North Hewitt Drive, Lewiston, New York on November 26, 1968.

The following is an itemization of bank and financial records seized from metal cabinet in basement:

13 State Trust Office, North Tonawanda, New York, Marine Midland Trust Company monthly statements and canceled checks of Ben Nicoletti, 5255 Fort Grey Drive, Lewiston, New York (January, 1965 to January, 1966)

12 Power City Office, Niagara Falls Branch, Marine Midland Trust Company of Western New York monthly statements and canceled checks of Ben Nicoletti, 35 Fort Grey Drive, Lewiston, New York (January, 1965 to December, 1965)

12 Power City Office, Niagara Falls Branch, Marine Midland Trust Company of Western New York bank statements and canceled checks of Ben Nicoletti, 35 Fort Grey Drive, Lewiston, New York (1963 appearing on label binding statements together)

22 Power City Office, Niagara Falls, New York, Marine Midland Trust Company of Western New York monthly bank statements and canceled checks of Ben Nicoletti, 35 Fort Grey Drive, Lewiston, New York

14 Fall Street Office, Niagara Falls, New York, Manufacturers and Traders Trust Company bank statements and canceled checks of Ben Nicoletti, 35 Fort Grey Drive, Lewiston, New York (Above 36 statements bound together with label having date 1966)

19 State Trust Office, North Tonawanda, New York, Marine Midland Trust Company of Western New York monthly bank statements and canceled checks of Ben Nicoletti, 5255 Fort Grey Drive, Lewiston, New York

11 Fall Street Office, Niagara Falls, New York, Manufacturers and Traders Trust Company monthly statements and canceled checks of Ben Nicoletti, 35 Fort Grey Drive, Lewiston, New York (Above 30 statements bound together by label on which the date 1967 appears)

68

Five envelopes containing Federal and New York State income tax records of Edith and Ben Nicoletti, Lewiston, New York

Four copies of net worth statement of Benjamin and Edith Nicoletti dated March 21, 1955

Notebook containing four pages of writing and figures

Stevens-Van De Bogart, Insurance and Bond Company receipt

Erie County Savings and Loan closing statement t regarding loan to Benidetto Cafaro

Statement of sale to Henry Sloma

One 3X5 inch blue slip of paper with writing thereon

The following is an itemization of bank and financial statements seized from dining room buffet:

Letter to Ben Nicoletti, 5255 Fort Grey Drive, Lewiston, New York from New York State Income Tax Bureau

Ten Manufacturers and Traders Trust Company bank statements statements and canceled checks of Ben Nicoletti, 35 Fort Grey Drive, Lewiston, New York (January, 1965 to October, 1965)

The following is an itemization of bank and financial records seized from second floor, front, south bedroom closet: (Carton number 1)

14 bundles of monthly bank statements and canceled checks of Ben Nicoletti

Two sets of ledger sheets with entries thereon

Checkbook of Rapids View Shop at Niagara Falls Office, Manufacturers and Traders Trust Company

Envelope containing withholding tax data

Folder containing payroll records

6/8

Modern merchant's bookkeeping book with entries

One 9X13 inch Power City Office, Niagara Falls, New York, Marine Midland Trust Company checkbook containing stubs and deposit slips (All checks removed)

One 9X13 inch Power City Office, Niagara Falls, New York, Marine Midland Trust Company checkbook containing some stubs and checks

One 9X13 inch Lewiston Office, Marine Midland Trust Company checkbook containing stubs and two unwritten checks

One 9X13 inch Fall Street Office, Manufacturers and Traders Trust Company checkbook with two unwritten checks and check stubs

Three 9X13 inch bank books containing only bank stubs

Envelope containing information relating to property bills of sale and business certificate

Envelope containing records relating to audit of Power City Finance Company, Limited, Niagara Falls, Ontario

The following is an itemization of bank and financial records seized from second floor, front, south bedroom from closet: (Carton number 2)

Seven State Trust Office, North Tonawanda, New York, Marine Midland Trust Company of Western New York monthly statements and canceled checks of Ben Nicoletti, 5255 Fort Grey Drive, Lewiston, New York

11 Fall Street Office, Niagara Falls, New York, Manufacturers and Traders Trust Company monthly statements and canceled checks of Ben Nicoletti, 35 Fort Grey Drive, Lewiston, New York

11 Power City Office, Niagara Falls, New York, Marine Midland Trust Company monthly statements and canceled checks of Ben Nicoletti, 35 Fort Grey Drive, Lewiston, New York

OIB

14 envelopes containing insurance and miscellaneous correspondence

Six items of correspondence relating to insurance matters

Five Niagara Falls Office, Niagara Falls, New York, Manufacturers and Traders Trust Company monthly statements and canceled checks of J. B. Trucking, Lewiston, New York

Folder containing ledger sheet and seven items of paper relating to New York State Employees Insurance Tax

Two sets of papers captioned "Inventory" with pages of entries

Three sets of ledger sheets with entries

National Cash Register Book with employee records and one 10X13 inch checkbook, Fall Street Office, Niagara Falls, New York, Manufacturers and Traders Trust Company checkbook containing stubs (All checks written)

Envelope relating to Federal Employees Tax Form

The following is an itemization of bank and financial records from dresser drawer, second floor, rear bedroom:

Ten 9½X13 inch checkbooks of State Trust Office, North Tonawanda, New York, Marine Midland Trust Company of Western New York containing only check stubs (All checks having been removed)

One 9½X13 inch checkbook of State Trust Office, North Tonawanda, New York, Marine Midland Trust Company of Western New York containing some blank checks

One 9X13 inch checkbook of Fall Street Office, Manufacturers and Traders Trust Company containing only check stubs and blank deposit slips (All checks having been removed)

6RS

One pocket-sized checkbook, State Trust Office, North Tonawanda, New York, Marine Midland Trust Company of Western New York containing two blank checks

Two sealed envelopes.

4

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 115

UNITED STATES OF AMERICA

VS.

Premises at 1002 N. Hewitt Drive, Lewiston, New York, being that property listed at the Assessors Office for the Town of Lewiston, New York, as owned by Benjamin Nicoletti, and as Lot #823410, and as a two-story split level dwelling, and as being a split level with a deep red front over red brick.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell (Name of Commissioner) 1112 Prudential Building, Buffalo, New York (Address of Commissioner)

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~[1] that ~~(on the person of)~~ (on the premises known as)

Premises at 1002 N. Hewitt Drive, Lewiston, New York, being that property listed at the Assessors Office for the Town of Lewiston, New York as owned by Benjamin Nicoletti, and as Lot #823410, and as a two-story split level dwelling, and as being a split level with a deep red front over red brick.

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, telephones and other gambling paraphernalia and evidence of gambling violations (here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371 (here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows: The attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger (Signature of Affiant.)

Raymond C. Kruger
Special Agent, FBI (Official Title, if any.)

Sworn to before me, and subscribed in my presence, November 26, 1968

Edmund F. Maxwell (United States Commissioner.)

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

10

Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 121

UNITED STATES OF AMERICA

VS.

Premises at 257 Witmer Road, North Tonawanda, New York, being that property listed in the Assessors Office for the City of North Tonawanda, and as being owned by Saj Trucking and Excavating, Inc., and as a garage-apartment building with a garage and apartment on the first floor and four apartments on the second floor, and as designated as Block D, Farm Lot 70, and being the apartment on the first floor.

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell, Name of Commissioner — 1112 Prudential Building, Buffalo, New York, Address of Commissioner

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~ that ~~on the person of~~ (on the premises known as)

Premises at 257 Witmer Road, North Tonawanda, New York, being that property listed in the Assessors Office for the City of North Tonawanda, and as being owned by Saj Trucking and Excavating, Inc., and as a garage-apartment building with a garage and apartment on the first floor and four apartments on the second floor, and as designated as Block D, Farm Lot 70, and being the apartment on the first floor.

~~82~~ 92nd

in the Western District of New York

there is now being concealed certain property, namely gambling records, moneys, telephones and other gambling paraphernalia, and evidence of gambling violations

(here describe property)

which are in violation of United States Code, Title 18, Sections 1952, 2, and 371.

(here give alleged grounds for search and seizure)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

Attached affidavits of Joseph E. Griffin, Jr., James Moody, and deponent Raymond C. Kruger. Also affidavit of John E. Belkota.

Raymond C. Kruger
Raymond C. Kruger, Signature of Affiant.
Special Agent, F.B.I.
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968.

Edmund F. Maxwell
United States Commissioner.

#19

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that be the but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant nt any time." (Rule 41C)

One Rosi

A/C/DC Radio; 1 Mare AM/FM radio; one "Personal Directory" of telephone numbers; 4 decks of playing cards; 5 pr. loose dice, one block of Dice (204); Daily racing news for 11/22, 23, 25, 26/68 with slips inside; 18 slips with writing thereon; one "Perfect Penmanship" note Book; One pad with writing thereon;

sample of
various slips of paper (4); one disconected telephone; one Baystate, Worcester, Mass # 138790 all + on trigger housing A138790, 410 ga. sawed off. One H+R .32 serial # 3987. Ring Master not Book. One small "address" book, green. Miscellaneous cash slips with writing on each. Partial barrel and slack of gun.

One Motorola Blackberry cellular phone.

FILED
DEC 5 1968
AT ___ O'C ___ M.
Roland E. Logel, Clerk

cr-1968-196

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Commissioner's Docket No. 68

Case No. 121

Premises at 257 Witmer Road, North Tonawanda, New York, being that property listed in the Assessors Office for the City of North Tonawanda, and as being owned by Saj Trucking and Excavating, Inc., and as a garage-apartment building with a garage and apartment on the first floor and four apartments on the second floor, and as designated as Block D, Farm Lot 70, and being the apartment on the first floor.

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

Premises at 257 Witmer Road, North Tonawanda, New York, being that property listed in the Assessors Office for the City of North Tonawanda, and as being owned by Saj Trucking and Excavating, Inc., and as a garage-apartment building with a garage and apartment on the first floor and four apartments on the second floor, and as designated as Block D, Farm Lot 70, and being the apartment on the first floor.

in the Western District of New York,

there is now being concealed certain property, namely gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations

here describe property

which are in violation of United States Code, Sections 1952, 2 and 371, Title 18.

here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~[1] } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 1968

Edward A. Maney

U. S. Commissioner.

[1] *The Federal Rules of Criminal Procedure provide:* "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)

RETURN

I received the attached search warrant November 26, 1968, and have executed it as follows:

On Nov. 26, 1968 at 3:00 pm o'clock P M, I searched { the person / the premises } described in the warrant and

I left a copy of the warrant with Irene Rizzo
name of person searched or owner or "at the place of search"

together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: One Ross A/C/DC Radio; 1 Mere AM/FM radio; one "Personal Directory" of telephone numbers; 4 decks of playing cards; 5 pr. loose dice, one block of Dice (20¢); Daily racing news for 11/22, 23, 25, 26/68 with 249 slips inside; 18 slips with writing thereon; one "Perfect Penmanship" note Book; One pad (Top Shelf Brand) with writing thereon; sample of various slips of paper (4); one disconected telephone; one Baystate, Worcester, Mass # 138790 bl. + on trigger housing A138790, 410 ga. sawed off. One H+R .32 serial # 3987. Ring Master ~~not~~ Book. Cash One small "address" book, green. Miscellaneous slips (18) with writing on each. Partial barrel and stock of gun. 1 box of 3" x 5" pads. 15 slips of paper with writing thereon.

One Monroe electric adding machine.

This inventory was made in the presence of Mrs Irene Rizzo, Frank Malone Jack Smalldon and Sylvester Smith

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Neil M. Miller

Subscribed and sworn to and returned before me this 4th day of December, 1968.

Edward A. Mann,
U. S. Commissioner.

FILED
DEC 5 1968
AT ... O'C ... M.
Roland E. Logel, Clerk

FILED
DEC 5 1968
AT
Roland E. Logel, Clerk

CR-1968-196

Form A. O. 93 (Revised June 1964) **Search Warrant**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

A 1967 Green Buick automobile with current New York State Registration Number 9543 NF, being registered to Benjamin F. Nicoletti, 2654 North Avenue, Niagara Falls, New York

Commissioner's Docket No. 68

Case No. 128

SEARCH WARRANT

To Any authorized Agent of the Federal Bureau of Investigation

Affidavit having been made before me by Raymond C. Kruger

that he { has reason to believe / ~~is positive~~ } that { ~~on the person of~~ / on the premises known as }

a 1967 Green Buick automobile with current New York State Registration Number 9543 NF, being registered to Benjamin F. Nicoletti, 2654 North Avenue, Niagara Falls, New York

in the Western District of New York,

there is now being concealed certain property, namely gambling records and paraphernalia and evidence of gambling violations
here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371
here give alleged grounds for search and seizure

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the { ~~person~~ / premises } above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search forthwith the { ~~person~~ / place } named for the property specified, serving this warrant and making the search { in the daytime / ~~at any time in the day or night~~ } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant and bring the property before me within ten days of this date, as required by law.

Dated this 26th day of November, 19 68

#20

U. S. Commissioner.

RETURN

I received the attached search warrant on December 4, 1968, and have executed it as follows:

On December 4, 1968 at 11:20 o'clock A M, I searched { ~~the person~~ / the premises } described in the warrant and

I left a copy of the warrant with at the place of search with Mrs. Benjamin A. Nicoletti, Jr.
name of person searched or owner or "at the place of search"
together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

No property taken

FILED
DEC 5 1968
AT ___ O'C ___ M.
Roland E. Logel, Clerk

This inventory was made in the presence of Special Agents of the FBI Garrett J. Paxton Jr and Jack R. Smallan

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

Lee Mann Eden

Subscribed and sworn to and returned before me this 4th day of December, 1968.

Edward S. Mayda
U. S. Commissioner.

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Form A. O. 106

Affidavit for Search Warrant

United States District Court

FOR THE

Western District of New York

Commissioner's Docket No.....

UNITED STATES OF AMERICA

Case No.....

VS.

A 1967 Green Buick automobile with current New York State Registration Number 9543 NF, being registered to Benjamin F. Nicoletti, 2654 North Avenue, Niagara Falls, New York

AFFIDAVIT FOR SEARCH WARRANT

BEFORE Edmund F. Maxwell
Name of Commissioner

1112 Prudential Building, Buffalo, New York
Address of Commissioner

The undersigned being duly sworn deposes and says:

That he (has reason to believe) ~~(is positive)~~[1] that ~~(on the person of)~~ (on the premises known as)

a 1967 Green Buick automobile with current New York State Registration Number 9543 NF, being registered to Benjamin F. Nicoletti, 2654 North Avenue, Niagara Falls, New York

in the Western District of New York

there is now being concealed certain property, namely gambling records and paraphernalia and evidence of gambling violations
here describe property

which are in violation of United States Code, Title 18, Sections 1952, 2 and 371
here give alleged grounds for search and seizure

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows: The attached affidavits of Joseph E. Griffin, Jr., James Moody, John Belkota and Raymond C. Kruger.

Raymond C. Kruger
Signature of Affiant.

SAFBI
Official Title, if any.

Sworn to before me, and subscribed in my presence, November 26, 1968

Edmund F. Maxwell
United States Commissioner.

[1] The Federal Rules of Criminal Procedure provide: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time." (Rule 41C)